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DATE FILED: 2/18/11

February 17, 2011

VIA FACSIMILE

Honorable John G. Koeltl
 United States District Judge
 United States District Court
 for the Southern District of New York
 500 Pearl Street
 New York, New York 10007-1312

Re: Behringer v. Lavelle School for the Blind *et al.*
 Civil Action No. 08-4899 (JGK-THK)

1. Pre-Trial submissions due 3/11/11.
 2. Ready-Trial date, 48 hours
 notice adjourned to 4/6/11.
 So ordered.

Jr 6/6/11
 Jr 8/2/11

2/17/11

Dear Judge Koeltl:

As you know, we represent Defendants in the above-referenced action, which is currently scheduled to proceed to trial on 48 hours' notice as of March 4, 2011.

We respectfully write to request a second, 2-week extension of this trial ready date to March 21, 2011. We do not require an extension of time to submit our pre-trial submissions, which are currently due on February 22, 2011. Plaintiff objects to this request."

We request this further extension for exigent reasons relating to the School's funding. As a private, not-for-profit school for the blind and multiply-impaired, Lavelle is almost wholly dependent on funding directly from the State. In his Deficit Reduction Plan, Governor Cuomo announced the elimination of all direct funding to schools like Lavelle (known as "4201" schools), with the anticipated end result being elimination of at least 85% of all funding Lavelle needs to keep its doors open.

The 4201 schools and the communities in which the schools reside will present their case for continued funding in Albany, starting the week of March 7th. To date, this includes a concerted personal appearance of representatives from all of the 4201 schools in Albany on March 10th and on-site visits from state legislators, including Andrea Stewart-Cousins, on March 11th. Lavelle anticipates further actions to take place the week of March 14th.

The parties believe that the trial of plaintiff's remaining claims will take five (5) days. Proceeding to trial on March 7th, as currently scheduled, would impair Lavelle's participation in

* Plaintiff's counsel has stated that he intends to submit a response to this letter-application.

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this mobilization in Albany. As an individual Defendant in this case, Mr. Simpson will be present at trial every day. As key witnesses, principals Lorrie Nanry and Diane Tucker, will also be at trial. Plaintiff's counsel has advised that he is reserving the right to call these employees during his direct case. On days they are not at trial, these employees will need to be at the School to cover in Mr. Simpson's absence.

For these reasons, we respectfully that the trial ready date be adjourned to March 21, 2011: Trial date (March 18, 2011 trial ready date on 48 hours' notice).

Respectfully submitted,


Jean Y. Park

cc: Kenneth Goldberg, Esq. (by e-mail)
Attorneys for Plaintiff